

**To:** Charmley, William[[charmley.william@epa.gov](mailto:charmley.william@epa.gov)]  
**Cc:** Hengst, Benjamin[[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)]  
**From:** Orlin, David  
**Sent:** Tue 9/19/2017 12:30:16 PM  
**Subject:** Re: Friday briefing with Mandy on gliders/trailers

5:30 ok too

On Sep 19, 2017, at 8:27 AM, Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)> wrote:

I will be in the air at 4:30.

I can do a 5:30 call.

Sent from my iPhone

On Sep 19, 2017, at 8:17 AM, Orlin, David <[Orlin.David@epa.gov](mailto:Orlin.David@epa.gov)> wrote:

4:30 works for me

On Sep 19, 2017, at 8:14 AM, Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)> wrote:

Would you two have time to chat at 4:30?

I'll there's now an interagency call on the NODA at noon and both David and I will be in that.

On Sep 19, 2017, at 7:48 AM, Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)> wrote:

I am going to meet Wednesday am with my staff to discuss what analysis we believe is needed to satisfy the CAA, 12866, circular A4 and other EOs. We will explain how those help inform a schedule.

## Ex. 5 - Deliberative Process

I am at the airport now getting ready to fly to Chicago. I have 45 minutes before my plane boards, and then I will be available again around noon.

Sent from my iPhone

On Sep 18, 2017, at 3:50 PM, Orlin, David <[Orlin.David@epa.gov](mailto:Orlin.David@epa.gov)> wrote:

(leaving Chris off). I'm out of the office Weds and Thursday so if we are going to be talking to Mandy on Friday, I'd like to have an internal discussion if possible on Tuesday.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

**From:** Hengst, Benjamin  
**Sent:** Monday, September 18, 2017 3:44 PM  
**To:** Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>; Grundler, Christopher <[grundler.christopher@epa.gov](mailto:grundler.christopher@epa.gov)>  
**Cc:** Orlin, David <[Orlin.David@epa.gov](mailto:Orlin.David@epa.gov)>  
**Subject:** Friday briefing with Mandy on gliders/trailers

Bill, Chris:

Just got off the phone with Josh. He spoke with Mandy again. Probably best to chat on phone but bottom line is that she'll be in the office on Friday and wants to have a meeting with OTAQ and OGC to discuss trailers/gliders. I explained to Josh that we are planning on talking to her in a few weeks and she said she wants to talk Friday, even if we come back to her in a few weeks with more details.

Why the rush? As Josh indicted this morning, she's feeling pressure—in this case, it sounds like the Administrator doesn't understand why we can't move fast on the glider and trailer modifications to the rule. So Mandy wants to have a better understanding of some of the issues we started discussing in August with her: what technical/economic analyses have to be done? Why do they take the time they do? What legal questions need to be sorted through? What risks to legal defensibility do we take on if we don't do this the right way? ☐

## **Ex. 5 - Deliberative Process**

The way it stands now, we should expect to see a calendar invite pop up for mid-day Friday on this.

Chris, Bill: let me know if you want to talk further about this. I'm not going to share this with Tia or Chuck or anyone for now.

Ben

## Message

**From:** Harlow, David [harlow.david@epa.gov]  
**Sent:** 11/14/2017 12:29:20 PM  
**To:** Charmley, William [charmley.william@epa.gov]  
**CC:** Grundler, Christopher [grundler.christopher@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]  
**Subject:** RE: Status of CAA Section 317 memo on economic assessment for the glider repeal NPRM

Thanks, Bill, I appreciate the update. We'll be on the lookout for the draft when you all have it ready.

**David S. Harlow**  
**Senior Counsel**  
**Immediate Office of the Assistant Administrator**  
**Office of Air and Radiation, USEPA**  
**WJC-N Room 5409K**  
**1200 Pennsylvania Avenue NW**  
**Washington, DC 20460**  
**202-564-1233**  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)

---

**From:** Charmley, William  
**Sent:** Tuesday, November 14, 2017 6:25 AM  
**To:** Harlow, David <harlow.david@epa.gov>  
**Cc:** Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>  
**Subject:** Status of CAA Section 317 memo on economic assessment for the glider repeal NPRM

Dear David,

# Ex. 5 - Deliberative Process

Thanks,  
Bill

Bill Charmley  
Director  
Assessment and Standards Division

Office of Transportation and Air Quality  
U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory  
2000 Traverwood Drive  
Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: [charmley.william@epa.gov](mailto:charmley.william@epa.gov)

## Message

**From:** Grundler, Christopher [grundler.christopher@epa.gov]  
**Sent:** 10/31/2017 1:46:11 AM  
**To:** Dunham, Sarah [Dunham.Sarah@epa.gov]  
**CC:** Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Sutton, Tia [sutton.tia@epa.gov]  
**Subject:** Re: Glider rescission NPRM: update

Ben--pls send a shorter version of this and convey what you heard from the OMB staff. Make clear at this point we are not responding to the comments re: further analysis.

-----  
 Christopher Grundler, Director  
 Office of Transportation and Air Quality  
 U.S. Environmental Protection Agency  
 202.564.1682 (Washington DC)  
 734.214.4207 (Ann Arbor MI)  
 734.645.5221 (mobile)  
[www.epa.gov/otaq](http://www.epa.gov/otaq)

On Oct 30, 2017, at 4:43 PM, Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)> wrote:

Thanks, I think. I have to admit to not completely following what the main thing that needs to be communicated to Mandy and David at this point is. So I would suggest you send a note to them, cc'ing me and others as appropriate, with what it is you think they need to know about where things stand. If that misses the point of what you need, I'm happy to talk.

On Oct 30, 2017, at 4:37 PM, Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)> wrote:

Hi Sarah:

I spoke with Chris and Bill earlier today and we wanted to pass along a few notes on where things stand with the glider NPRM. Please share with David Harlow, Mandy and others as you see fit, or let us know how you'd like to otherwise communicate this.

- <!--[if !supportLists]--><!--[endif]-->As you know, last week OMB sent us interagency comments on the draft NPRM, and we also heard comments over the phone from DOJ.
- <!--[if !supportLists]--><!--[endif]-->Typically, at this point EPA would send a revised version of the rule (the passback) to OMB. That document would respond to interagency bubble comments, line edits, and any verbal comments. OMB staff today asked us when we were planning on sending the passback to them; we told them (Jim L, Chad) that we'd get back to them but didn't have an immediate answer.
- <!--[if !supportLists]--><!--[endif]-->OMB staff told us that they shared with OMB political management that OMB staff were trying to wrap their review up by tomorrow.
- <!--[if !supportLists]--><!--[endif]-->As I mentioned to David Harlow last week, OTAQ has reviewed the interagency comments but we have not made edits to

the package, nor done any additional analysis (as some commenters wanted). We have seen David's revised documents (which respond to many of the interagency comments) but have not made edits to his revised documents. Separately, we are aware that OP (NCEE, OEJ) and OGC have had a side email discussion on the EJ boilerplate language in the draft NPRM. The issues in that discussion are, to our knowledge, yet to be resolved.

- <!--[if !supportLists]--><!--[endif]-->We will not send anything to OMB until given that direction by Mandy/David Harlow/you. That passback, as you know, will be docketed and will ultimately be available to the public.

Please let us know if you have any questions.

Thanks,

Ben

## Message

**From:** Grundler, Christopher [grundler.christopher@epa.gov]  
**Sent:** 9/27/2017 1:28:28 PM  
**To:** Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]  
**CC:** Dunham, Sarah [Dunham.Sarah@epa.gov]; Baptist, Erik [baptist.erik@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Charmley, William [charmley.william@epa.gov]  
**Subject:** Re: Follow-up/Gliders

Bill and I met this morning. We don't think trailers will slow us down and can deliver a draft NPRM for review as soon as next week.

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 Christopher Grundler, Director  
 Office of Transportation and Air Quality  
 U.S. Environmental Protection Agency  
 202.564.1682 (Washington DC)  
 734.214.4207 (Ann Arbor MI)  
 734.645.5221 (mobile)  
[www.epa.gov/otaq](http://www.epa.gov/otaq)

On Sep 27, 2017, at 9:22 AM, Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)> wrote:

## Ex. 5 - Deliberative Process

**From:** Gunasekara, Mandy  
**Sent:** Wednesday, September 27, 2017 9:16 AM  
**To:** Grundler, Christopher <[grundler.christopher@epa.gov](mailto:grundler.christopher@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Baptist, Erik <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>  
**Cc:** Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>  
**Subject:** RE: Follow-up/Gliders

Looping in Erik on the new timeline.

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**From:** Grundler, Christopher  
**Sent:** Tuesday, September 26, 2017 5:04 PM  
**To:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Cc:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>  
**Subject:** Re: Follow-up/Gliders

On it

-----  
 Christopher Grundler, Director  
 Office of Transportation and Air Quality  
 U.S. Environmental Protection Agency  
 202.564.1682 (Washington DC)  
 734.214.4207 (Ann Arbor MI)  
 734.645.5221 (mobile)

[www.epa.gov/otaq](http://www.epa.gov/otaq)

On Sep 26, 2017, at 4:58 PM, Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)> wrote:

I just talked to Ryan. He gave us direction to proceed as quickly as possible with a compliance date change proposal for gliders (if trailers would slow that down lets only do a glider date change). So option 1 below. I think he is hoping for this to be drafted absolutely as quickly as possible (I heard the date of October 1).

Please let me know what is possible.

Begin forwarded message:

**From:** "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Date:** September 25, 2017 at 4:03:45 PM EDT  
**To:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>, "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Subject:** Follow-up/Gliders

Hi Ryan (and Mandy)–

OAR briefed Mandy with OGC (and Erik Baptist) on gliders and trailers schedule last Friday morning. After seeing your note Friday evening, the team further thought about a couple different approaches over the weekend and Mandy and I just had follow-up discussion earlier this afternoon. The approach briefed on Friday assumes that we need to do some (expedited) feasibility and cost analysis of the engine requirements that OGC indicated was required under CAA Section 202(a)(3)(D), and assumes that EPA must perform an analysis to comply with various executive orders (cost/benefit assessments, etc.). This approach continues to be the team's recommended approach. But we are thinking through a couple additional approaches—outlined below.

1. <!--[if !supportLists]--><!--[endif]-->Proposed rulemaking on extending compliance date for gliders (and trailers) as we go through reconsideration rulemaking. (Note this has already been drafted for trailers; we would add gliders)
2. <!--[if !supportLists]--><!--[endif]-->Revised schedule for proposed rulemaking rescinding glider vehicle standards and rescinding the glider engine standards assuming no Clean Air Act or Executive Order analysis is required. This assumes an approach Erik Baptist raised with the team on Friday which would assert we do not need to do the feasibility and cost analysis (based on an interpretation of how we relied on our authority in the 2016 rule) – an approach that OGC may advise has high legal risk. It also assumes that OMB waives all our Executive Order analytical requirements.

3. <!--[if !supportLists]--><!--[endif]--> Revised schedule for proposed rulemaking rescinding glider vehicle standards and either rescinding or reconsidering glider engine standards. In this approach (“go as fast as we can”) we would conduct what we understand are required analyses, but we would use only readily available technical information rather than develop updated technical information.

While each of these approaches vary in terms of time needed for EPA drafting (with the first one being the fastest for the drafting portion), they each rely on assumptions that may not be defensible or advised—ie, OMB waiving analytical requirements, and/or high legal risk. We will continue to look at each of these options and can more fully lay out the timeframe and risks associated with one or all of them.

Thanks  
Sarah

Appointment

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**From:** Dunham, Sarah [Dunham.Sarah@epa.gov]  
**Sent:** 9/20/2017 2:25:31 PM  
**To:** Dunham, Sarah [Dunham.Sarah@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Cook, Leila [cook.leila@epa.gov]; Simon, Karl [Simon.Karl@epa.gov]; Charmley, William [charmley.william@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Schmidt, Lorie [Schmidt.Lorie@epa.gov]  
**CC:** Kataoka, Mark [Kataoka.Mark@epa.gov]; Yanca, Catherine [yanca.catherine@epa.gov]; Sargeant, Kathryn [sargeant.kathryn@epa.gov]; Moulis, Charles [moulis.charles@epa.gov]  
**Subject:** FW: OTAQ General with Sarah Dunham  
**Location:** WJC-N 5400 + Video with AA + Ex. 6 - Personal Privacy  
**Start:** 9/21/2017 3:00:00 PM  
**End:** 9/21/2017 3:45:00 PM  
**Show Time As:** Tentative

**Recurrence:** Weekly  
 every Wednesday from 3:00 PM to 3:45 PM

Mark,

At this meeting on Thursday, September 21, we will discuss with Acting AA Dunham the glider and trailer rule schedule, analysis needed, and legal risk topics that Mandy has asked for information on from OAR.

Thanks  
 Bill

-----Original Appointment-----

**From:** Dunham, Sarah  
**Sent:** Tuesday, July 25, 2017 3:40 PM  
**To:** Dunham, Sarah; Grundler, Christopher; Hengst, Benjamin; Cook, Leila; Simon, Karl; Bunker, Byron; Charmley, William; Lewis, Josh  
**Subject:** OTAQ General with Sarah Dunham  
**When:** Thursday, September 21, 2017 11:00 AM-11:45 AM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** WJC-N 5400 + Video with AA + Ex. 6 - Personal Privacy

**To:** Sarah Dunham, Chris Grundler, Ben Hengst, Lee Cook, Karl Simon, Byron Bunker, Bill Charmley, Josh Lewis

Message

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**From:** Charmley, William [charmley.william@epa.gov]  
**Sent:** 9/26/2017 11:43:33 AM  
**To:** Orlin, David [Orlin.David@epa.gov]; Moulis, Charles [moulis.charles@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Sargeant, Kathryn [sargeant.kathryn@epa.gov]; Yanca, Catherine [yanca.catherine@epa.gov]; Parsons, Christy [Parsons.Christy@epa.gov]  
**Subject:** FW: Follow-up/Gliders

Dear all –

# Ex. 5 - Deliberative Process

Thanks  
Bill

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**From:** Charmley, William  
**Sent:** Tuesday, September 26, 2017 7:41 AM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>  
**Cc:** Lewis, Josh <Lewis.Josh@epa.gov>  
**Subject:** RE: Follow-up/Gliders

Dear Sarah and Chris

# Ex. 5 - Deliberative Process

Please let us know if you have more questions on this. We will follow-up with OGC to make sure we didn't miss something.

Bill

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**From:** Charmley, William

**Sent:** Monday, September 25, 2017 12:24 PM

**To:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Grundler, Christopher <[grundler.christopher@epa.gov](mailto:grundler.christopher@epa.gov)>

**Cc:** Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>

**Subject:** RE: Follow-up/Gliders

Sarah and Chris –

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

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**From:** Dunham, Sarah  
**Sent:** Monday, September 25, 2017 12:02 PM  
**To:** Grundler, Christopher <[grundler.christopher@epa.gov](mailto:grundler.christopher@epa.gov)>  
**Cc:** Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>  
**Subject:** RE: Follow-up/Gliders

Thanks Chris—this is helpful

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**From:** Grundler, Christopher  
**Sent:** Monday, September 25, 2017 11:26 AM  
**To:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Cc:** Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>  
**Subject:** Follow-up/Gliders

# Ex. 5 - Deliberative Process

Christopher Grundler, Director  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency  
202.564.1682 (Washington, DC)  
734.214.4207 (Ann Arbor, MI)

## Message

**From:** Sutton, Tia [sutton.tia@epa.gov]  
**Sent:** 11/8/2017 6:02:26 PM  
**To:** Harlow, David [harlow.david@epa.gov]  
**Subject:** RE: Last-minute significance change request from OMB

# Ex. 5 - Deliberative Process

**From:** Harlow, David  
**Sent:** Wednesday, November 08, 2017 12:59 PM  
**To:** Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>  
**Cc:** Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>  
**Subject:** RE: Last-minute significance change request from OMB

Tia,

I've forwarded this email string to Mandy and Brittany, while cc'ing Erik Baptist.

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

**David S. Harlow**  
**Senior Counsel**  
**Immediate Office of the Acting Assistant Administrator**  
**Office of Air and Radiation, USEPA**  
**WJC-N Room 5409K**  
**1200 Pennsylvania Avenue NW**  
**Washington, DC 20460**  
**202-564-1233**  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)

**From:** Sutton, Tia  
**Sent:** Wednesday, November 8, 2017 12:46 PM  
**To:** Hengst, Benjamin <Hengst.Benjamin@epa.gov>  
**Cc:** Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>  
**Subject:** RE: Last-minute significance change request from OMB

# Ex. 5 - Deliberative Process

**From:** Hengst, Benjamin

**Sent:** Wednesday, November 08, 2017 12:43 PM

**To:** Sutton, Tia <[sutton.tia@epa.gov](mailto:sutton.tia@epa.gov)>

**Cc:** Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>; Orlin, David <[Orlin.David@epa.gov](mailto:Orlin.David@epa.gov)>; Sargeant, Kathryn <[sargeant.kathryn@epa.gov](mailto:sargeant.kathryn@epa.gov)>; Moulis, Charles <[moulis.charles@epa.gov](mailto:moulis.charles@epa.gov)>

**Subject:** Re: Last-minute significance change request from OMB

## Ex. 5 - Deliberative Process

On Nov 8, 2017, at 12:32 PM, Sutton, Tia <[sutton.tia@epa.gov](mailto:sutton.tia@epa.gov)> wrote:

Hi all,

# Ex. 5 - Deliberative Process

Please let me know ASAP how you would like to proceed here.

Thanks!

-Tia

## Message

**From:** Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]  
**Sent:** 11/15/2017 7:40:33 PM  
**To:** Baptist, Erik [baptist.erik@epa.gov]  
**Subject:** FW: Status of CAA Section 317 memo on economic assessment for the glider repeal NPRM  
**Attachments:** Econ Assessment Memo - Draft, Nov 14, 5pm.docx

Erik,

My day so far has been pretty much washed away by the RFS “fire drill,” but here is, of course, another matter of some importance *and* urgency.

I’m going to look at this now (first time I’ve had a chance, although I acknowledged receipt of it when it came in and thanked Bill Charmley for it.

Here’s the thing: I’m going to be out tomorrow, all day. Bill, Josh, and I are taking a road trip down to RTP. So, I won’t be around to shepherd this along. As I said,

## Ex. 5 - Deliberative Process

**David S. Harlow**  
**Senior Counsel**  
**Immediate Office of the Assistant Administrator**  
**Office of Air and Radiation, USEPA**  
**WJC-N Room 5409K**  
**1200 Pennsylvania Avenue NW**  
**Washington, DC 20460**  
**202-564-1233**  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)

---

**From:** Charmley, William  
**Sent:** Tuesday, November 14, 2017 5:29 PM  
**To:** Harlow, David <harlow.david@epa.gov>  
**Cc:** Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>  
**Subject:** RE: Status of CAA Section 317 memo on economic assessment for the glider repeal NPRM

Dear David,

Attached is a draft of a memo for the CAA Section 317 assessment for the glider NPRM.

# Ex. 5 - Deliberative Process

Thanks  
Bill

---

**From:** Harlow, David  
**Sent:** Tuesday, November 14, 2017 7:29 AM  
**To:** Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>  
**Cc:** Grundler, Christopher <[grundler.christopher@epa.gov](mailto:grundler.christopher@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>  
**Subject:** RE: Status of CAA Section 317 memo on economic assessment for the glider repeal NPRM

Thanks, Bill, I appreciate the update. We'll be on the lookout for the draft when you all have it ready.

**David S. Harlow**  
**Senior Counsel**  
**Immediate Office of the Assistant Administrator**  
**Office of Air and Radiation, USEPA**  
**WJC-N Room 5409K**  
**1200 Pennsylvania Avenue NW**  
**Washington, DC 20460**  
**202-564-1233**  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)

---

**From:** Charmley, William  
**Sent:** Tuesday, November 14, 2017 6:25 AM  
**To:** Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>  
**Cc:** Grundler, Christopher <[grundler.christopher@epa.gov](mailto:grundler.christopher@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>  
**Subject:** Status of CAA Section 317 memo on economic assessment for the glider repeal NPRM

Dear David,

# Ex. 5 - Deliberative Process

## **Ex. 5 - Deliberative Process**

Thanks,  
Bill

Bill Charmley  
Director  
Assessment and Standards Division  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory  
2000 Traverwood Drive  
Ann Arbor, MI 48105

desk ph. 734-214-4466  
cell ph. 734-545-0333  
e-mail: [charmley.william@epa.gov](mailto:charmley.william@epa.gov)

## Message

**From:** Daniell, Kelsi [daniell.kelsi@epa.gov]  
**Sent:** 2/22/2018 2:58:43 PM  
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**Subject:** EPA Morning News Highlights 02.22.18  
**Attachments:** EPA Morning News Highlights 02.22.18 docx.docx

**EPA Morning News Highlights 02.22.18****GQ Magazine: The 50 Most Powerful People in Trump's Washington**

In a Cabinet that doesn't get much done, Pruitt has been dangerously effective. Granted, his job entails neutering the very bureaucracy he runs. On his watch, the EPA has outsourced its decision-making to the fossil-fuel and chemical industries—just like Trump said it would. A rare campaign promise kept. Heckuva job, Scotty!

**WKOW: Additional chemicals found in garage, EPA called in to assist**

Investigators today discovered that a garage associated with suspect Brian Campbell's apartment contains more chemicals. Due to the volume and toxicity of all that has been discovered, the Environmental Protection Agency is now dispatching a crew from its regional office in Chicago to further assess the site, according to a Madison Police Department news release. A cleanup process could take several days and those displaced will not be able to return to their homes while it takes place; however, residents have been afforded the opportunity to remove valuables and other possessions from their apartments.

**Washington Post: Tennessee Tech withdraws industry-funded study used to back controversial EPA truck rule**

The president of Tennessee Tech University has disavowed a study used to help justify the repeal of tighter federal emissions standards for a type of freight trucks, saying that experts now question “the methodology and accuracy” of the industry-funded test. In a letter Monday to EPA Administrator Scott Pruitt and Rep. Diane Black (R-Tenn.), who initially received the study results, Oldham wrote that “knowledgeable experts within the University have questioned the methodology and accuracy of the report” on the trucks’ performance. The school “is investigating an allegation of research misconduct related to the study,” he added.

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The Trump administration remains unlikely to back off its plans to ease Obama era restrictions that make it harder for utility companies to burn coal. Likewise, the federal courts may eventually decide what pollution rules the Environmental Protection Agency can enforce on energy production. Yet, still, scores of people testified Wednesday in Kansas City about efforts to repeal the controversial Clean Power Plan. The current administration wants to dump it. The previous administration believed it was needed to protect the environment from air pollution and global carbon emissions that contribute to climate change.

**The Washington Times: Europeans rip Trump on climate change, import record amounts of U.S. coal**

As France, Germany and Italy chastised President Trump for rejecting the Paris climate accord in June and mocked the U.S. for turning its back on the environment, their nations were busy importing record amounts of American coal. The U.S., federal data show, is seeing something of a coal renaissance, but the boom — partly the result of Mr. Trump's aggressive policies to roll back Obama-era regulations on the fuel — largely has benefited foreign markets. Some of the biggest buyers are also the biggest critics of the Trump administration's climate policy, including China and leading European nations that now claim to be the world's leaders on fighting global warming.

**National Morning News Highlights 02.22.18****CNN: 6 things Marco Rubio said at the CNN town hall that made news in the US gun debate**

Florida Republican Sen. Marco Rubio, facing high school students Wednesday night who survived the Parkland, Florida, shooting, defended his stance on gun rights -- while changing the conversation surrounding the issue.

Appearing at a CNN town hall in Florida, Rubio repeatedly made news on the issue of who should have access to firearms by sharing his beliefs on what would have support in the Senate, as well as taking sharp criticism from the audience, which included family members of those killed in the shooting.

**Wall Street Journal: Parkland Students protest in Tallahassee, raising political pressure for tougher gun laws**

High-school students who survived Florida's deadly school shooting last week descended on the state capital Wednesday to plead for stricter gun-control measures, raising pressure on lawmakers in the normally firearm-friendly state to pass legislation. At a boisterous rally with hundreds of demonstrators outside the State Capitol, students took the microphone to decry elected officials' inaction in the face of bloodshed.

**Washington Post: Billy Graham was no prophet**

Asked in 1972 if he believed in miracles, Billy Graham answered: Yes, Jesus performed some, and there are many "miracles around us today, including television and airplanes." Graham was no theologian. Neither was he a prophet. Jesus said "a prophet hath no honor in his own country." Prophets take adversarial stances toward their times, as did the 20th century's two greatest religious leaders, the Rev. Martin Luther King Jr. and Pope John Paul II. Graham did not. Partly for that reason, his country showered him with honors. So, the subtitle of Grant Wacker's 2014 book, "America's Pastor: Billy Graham and the Shaping of a Nation," is inapposite. When America acquired television and a celebrity culture, this culture shaped Graham. Wacker, of Duke University's Divinity School, judges Graham sympathetically as a man of impeccable personal and business probity.

**News OK: District Attorney: On Oklahoma criminal justice, progress is possible**

Good public policy is not always easy. Reasonable people can disagree on how to achieve a desired result. It takes open communication, dialogue and compromise. When issues become politicized and positions become talking points, good public policy become even more difficult to achieve. In the area of criminal justice reforms, however, we are seeing positive movement led by Oklahoma's district attorneys, legislators, business leaders and the governor's office.

**TRUMP TWEETS****CQ Magazine**

<https://www.gq.com/story/50-most-powerful-in-trump-dc>

**The 50 Most Powerful People in Trump's Washington**

By: Editors, 2/22/18

**5. Scott Pruitt, Administrator of the Environmental Protection Agency**

In a Cabinet that doesn't get much done, Pruitt has been dangerously effective. Granted, his job entails neutering the very bureaucracy he runs. On his watch, the EPA has outsourced its decision-making to the fossil-fuel and chemical industries—just like Trump said it would. A rare campaign promise kept. Heckuva job, Scotty!

**WKOW**

<http://www.wkow.com/story/37556518/2018/02/21/madison-apartment-building-evacuated-after-odor-complaints>

**Additional chemicals found in garage, EPA called in to assist**

2/21/18

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A cleanup process could take several days and those displaced will not be able to return to their homes while it takes place; however, residents have been afforded the opportunity to remove valuables and other possessions from their apartments.

Police have arrested a man as part of their investigation into an apartment filled with volatile chemicals that forced the evacuation of 25 families.

Brian N. Campbell, 30, Madison, faces charges of second-degree reckless endangering safety.

Residents were not allowed back into their homes Wednesday morning as experts continued to evaluate chemicals found inside an apartment.

The Madison Police Department and Madison Fire Department were called about 10:30 a.m. Tuesday, Feb. 20, 2018 to the building on Timber Lake Trail following complaints about an odor.

Campbell is the resident of the apartment that contained chemicals that were deemed to have created a potentially volatile situation.

Police say evidence does not suggest this was a meth lab, but what exactly the suspect was doing with the materials has not been thoroughly evaluated.

Subject matter experts from several federal agencies are collaborating to identify the chemicals and their potential use.

Madison Fire Chief Steve Davis said upon entering the apartment, they found numerous chemicals and called in additional resources.

"When we first got there, there was enough sophistication that it had all the potential to be something flammable or could be a bomb," Madison Police Chief Mike Koval said during a Tuesday evening news conference.

About 4:30 p.m. the bomb squad responded to assess the situation, Koval said.

"There was a lot of stuff, disheveled, and a lot of chemicals," Koval said.

Koval said they are taking their time to investigate.

"It could be anything from drug distribution, or could it be for bombs, or could it be for something unknown," Koval said.

They currently have a 30-year-old male in custody as a person of interest.

Altogether, 25 households have been evacuated and have been moved off site, Davis said.

"There was such a mix of chemicals and flammable liquids that usually aren't seen together," Davis said.

Officials are receiving assistance from the FBI, state Department of Criminal Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

## Washington Post

[https://www.washingtonpost.com/news/energy-environment/wp/2018/02/21/tennessee-tech-withdraws-industry-funded-study-used-to-back-controversial-epa-truck-rule/?utm\\_term=.bab6d13f52f3](https://www.washingtonpost.com/news/energy-environment/wp/2018/02/21/tennessee-tech-withdraws-industry-funded-study-used-to-back-controversial-epa-truck-rule/?utm_term=.bab6d13f52f3)

### **Tennessee Tech withdraws industry-funded study used to back controversial EPA truck rule**

By: Brady Dennis and Juliet Eilperin, 2/21/18

The president of Tennessee Tech University has disavowed a study used to help justify the repeal of tighter federal emissions standards for a type of freight trucks, saying that experts now question “the methodology and accuracy” of the industry-funded test.

Fitzgerald Glider Kits — which makes new truck bodies, called gliders, that house refurbished engines — had included a letter signed by Tennessee Tech’s president Philip B. Oldham and the head of the school’s Center for Intelligent Mobility, as part of its petition calling on the Environmental Protection Agency to withdraw a 2016 rule requiring that gliders comply with the same pollution limits as new heavy-duty trucks. The Washington Post first reported in November that the study was sponsored by Fitzgerald, the nation’s biggest glider manufacturer, and conducted at a Fitzgerald facility. The company’s connection to the university also extended to that research center, which soon will be housed in a new facility built by Fitzgerald.

In a letter Monday to EPA Administrator Scott Pruitt and Rep. Diane Black (R-Tenn.), who initially received the study results, Oldham wrote that “knowledgeable experts within the University have questioned the methodology and accuracy of the report” on the trucks’ performance. The school “is investigating an allegation of research misconduct related to the study,” he added.

“We request that you withhold any use or reference to said study pending the conclusion of our internal investigations,” he wrote.

The request was first reported Wednesday evening by the New York Times.

Previous EPA modeling, which assumed that most gliders use pre-2002 engines, found that they emit anywhere from 20 to 40 times as much nitrogen oxides and soot as trucks with new engines. But the petition filed by Fitzgerald, Harrison Truck Centers and Indiana Phoenix cited the Tennessee Tech testing that concluded gliders “performed equally as well and in some instances outperformed” vehicles with newer engines.

In the Federal Register notice that EPA filed in November proposing the rule’s withdrawal, the agency cited the study in a section explaining why Fitzgerald and other petitioners considered the regulation to be flawed.

An EPA official noted on Wednesday that the agency did not use the university’s analysis as the basis for the rule’s withdrawal, which was focused on a statutory and legal analysis. “Rather, EPA cited the petitioners’ own representations of the study, and that’s as far as it went,” said the official, who spoke on the condition of anonymity because the rulemaking process is still underway.

Fitzgerald officials could not be reached for comment on Wednesday.

The Obama-era rule was slated to take effect in January. Until the EPA adopted the 2016 glider regulation, trucking companies could put an outdated engine in a new truck body and avoid regulations that would apply to an entirely new truck. Heavy-duty trucks have faced tighter emissions standards since 2004, though they have become more stringent over time, thereby widening the gap between new vehicles and truck bodies with older engines.

The EPA had previously projected that the gliders sold in a single year would generate pollution over their lifetime that could result in between 350 and 1,600 premature deaths and that the rule would generate between \$1.5 billion and \$11 billion in related public health benefits. The agency did not publish a cost-benefit analysis when it issued its proposal to overturn the 2016 standard, and it did not wait for its own automotive experts to complete emissions tests on a glider the agency had independently purchased.

Those agency tests ultimately found that glider trucks emit between 40 and 50 times more soot and smog-forming pollutants as a comparable new truck.

The 50-day public comment period on the withdrawal proposal closed last month. Paul Billings, senior vice president for advocacy at the American Lung Association, had unsuccessfully requested that the period be extended.

Tennessee Tech's disavowal of the study, Billings said Wednesday, "lays bare that there was no analysis" to underpin revoking the Obama-era standard.

Andrew Linhardt, deputy legislative director for the Sierra Club, said that if the market for gliders — which stands at about 10,000 vehicles per year — were to keep increasing, "They would continue to have huge pollution implications which affect all of us." He said he hopes the university's action gives the EPA "second thoughts" about moving forward with its plan to unwind the Obama regulations.

In recent weeks, many Tennessee Tech students, faculty members and officials have questioned how the initial study was conducted. The interim dean of its College of Engineering, Darrell Hoy, sent a letter to other faculty members saying that "no qualified, credentialed engineering faculty member" oversaw the testing, verified the data or reviewed the report that was sent to Fitzgerald.

In November, Tennessee Tech spokesman Dewayne Wright said that one of the school's engineering professors went with graduate students "to a Fitzgerald facility to conduct independent research" on the EPA rule and the company paid just over \$70,000 to finance it. "The Tennessee Tech faculty member and students were in control of the testing, which was done using university emissions testing equipment," Wright explained. "Once collected by the university members, the data was brought back to the university from the Fitzgerald facility for analysis."

## KCUR

<http://kcur.org/post/trumps-epa-comes-kansas-city-hear-views-obamas-clean-power-plan#stream/0>

### **Trump's EPA comes to Kansas City to hear views on Obama's Clean Power Plan**

By: Brian Grimmett, 2/21/18

The Trump administration remains unlikely to back off its plans to ease Obama era restrictions that make it harder for utility companies to burn coal.

Likewise, the federal courts may eventually decide what pollution rules the Environmental Protection Agency can enforce on energy production.

Yet, still, scores of people testified Wednesday in Kansas City about efforts to repeal the controversial Clean Power Plan. The current administration wants to dump it. The previous administration believed it was needed to protect the environment from air pollution and global carbon emissions that contribute to climate change.

EPA officials listened to people from around the region during sessions set up for various factions to vent on a hot-button issue.

Cheryl Marcum drove more than two and a half hours on icy roads from Stockton, Mo., where her home relies on solar power. She wants the Obama rules to stick.

"They can do what's right or we will just stay on their cases until we protect our planet," she said.

The Obama era plan puts tougher regulations on coal-fired power plants in an effort to force states towards cleaner sources of energy. More than two dozen states challenged the plan in federal court. The U.S. Supreme Court ultimately issued a stay, preventing the agency from enforcing it.

The Trump White House contends that administrative rules created under the Clean Power Plan go beyond what law allows the EPA to impose.

“We are looking for alternatives, and we’re looking for constructive criticisms and also constructive suggestions,” said regional EPA administrator Jim Gulliford.

The agency’s listening tour also includes stops in the coal country of Wyoming and West Virginia. It will stop in San Francisco next week.

“So there’s an opportunity, hopefully, to hear a very broad spectrum of interests,” Gulliford said.

The effort to repeal the Clean Power Plan is part of the Trump administration’s broader efforts to revitalize the American coal industry.

More than 180 witnesses had signed up to testify on Wednesday. Among them was Missouri Attorney General Josh Hawley’s office. The state is on record siding with the Trump administration and against the Clean Power Plan.

## The Washington Times

[https://www.washingtontimes.com/news/2018/feb/21/trumps-european-climate-change-critics-fuel-us-coa/?utm\\_source=Energy-Pulse+Daily&utm\\_campaign=28902abdc6-EMAIL\\_CAMPAIGN\\_2018\\_02\\_22&utm\\_medium=email&utm\\_term=0\\_9761cf3f21-28902abdc6-48495669](https://www.washingtontimes.com/news/2018/feb/21/trumps-european-climate-change-critics-fuel-us-coa/?utm_source=Energy-Pulse+Daily&utm_campaign=28902abdc6-EMAIL_CAMPAIGN_2018_02_22&utm_medium=email&utm_term=0_9761cf3f21-28902abdc6-48495669)

### Europeans rip Trump on climate change, import record amounts of U.S. coal

By: Ben Wolfgang, 2/21/18

As France, Germany and Italy chastised President Trump for rejecting the Paris climate accord in June and mocked the U.S. for turning its back on the environment, their nations were busy importing record amounts of American coal.

The U.S., federal data show, is seeing something of a coal renaissance, but the boom — partly the result of Mr. Trump’s aggressive policies to roll back Obama-era regulations on the fuel — largely has benefited foreign markets. Some of the biggest buyers are also the biggest critics of the Trump administration’s climate policy, including China and leading European nations that now claim to be the world’s leaders on fighting global warming.

The U.S. last year produced 773 million short tons of coal, 45 million more than 2016. That was the largest year-to-year increase in nearly two decades, government numbers show.

But that didn’t equal increased use at home, with more coal than ever heading overseas.

“Even though U.S. coal consumption decreased, higher worldwide demand for U.S. coal led to greater coal production,” the federal Energy Information Administration said in a recent report.

Indeed, the U.S. consumed 719 million short tons of coal last year, a drop of 12 million from 2016.

Total exports in 2017, however, shot up to 95 million short tons, a 58 percent increase over the previous year. About 31 million short tons of that went to Asia, nearly double the amount from 2016. China alone imported 2.8 million short tons through September 2017 — a wild increase over the previous year’s 205,000.

Total exports to Europe reached 40 million short tons — 13 million more than in 2016.

Some of the most fertile markets in Europe are nations with leaders that have been the most outspoken in bashing Mr. Trump for pulling out of the global Paris climate pact, an Obama-era agreement that the current administration says unfairly punished the U.S. while letting major polluters such as China off the hook.

Chief among the critics has been French President Emmanuel Macron. Among other instances, Mr. Macron in December mocked Mr. Trump by launching the “Make Our Planet Great Again Awards,” a spin on the president’s famous campaign slogan. He gave grants to U.S. scientists to continue their research in France and said his country was leading the way in clean energy and carbon emissions reductions.

“France and Europe will be the place where we will decide how to make our planet great again,” he said at a ceremony announcing the awards.

At the same time, his country was in the midst of a huge uptick in American coal imports.

Through September 2017, France imported 1.5 million short tons of American coal — double the amount in 2016. Mr. Macron hasn’t been alone in his criticism of Mr. Trump or the seeming hypocrisy when it comes to coal, which most scientists believe is one of the biggest man-made contributors to climate change.

Last summer, France, Germany and Italy released a joint statement saying the U.S. would never be welcomed back into the Paris climate accord, effectively trying to isolate the Trump administration on the world stage.

“We firmly believe that the Paris Agreement cannot be renegotiated,” the nations said in a joint statement, expressing “regret” with the course Mr. Trump chose.

But Mr. Macron’s allies in that attack also have taken advantage of U.S. coal.

Through September, Germany imported 3.4 million short tons, compared with 2.5 million in 2016. Italy brought in 2.2 million tons of U.S. coal during the same period; in 2016, it imported just 1.3 million.

As a whole, Europe through September imported 28.4 million short tons, compared with 19.3 million the previous year, federal data show.

Leading Republicans on Capitol Hill say the figures prove that many so-called leaders on climate change simply can’t back up their words with action.

“While France, Germany and Italy were quick to criticize President Trump for pulling out of the Paris agreement, their increased purchase of American coal shows they clearly recognize that you can’t run an economy on wind and solar power alone. You need fossil fuels,” Sen. James M. Inhofe, Oklahoma Republican, told The Washington Times.

“I’m pleased we’re on track to becoming a net energy exporter again. American energy dominance will pay dividends for our economy and our national security,” he said.

There are other signs of reality setting in when it comes to climate policy. France late last month said it would revise its carbon emissions targets after falling short of its goals in 2016, Reuters reported.

It aimed to cap carbon emissions at 447 million tons, but its actual pollution was 3.6 percent higher.

## CNN

<https://www.cnn.com/2018/02/22/politics/marco-rubio-gun-debate-cnn-town-hall/index.html>

### **6 things Marco Rubio said at the CNN town hall that made news in the US gun debate**

By: Daniella Diaz, 2/22/18

Florida Republican Sen. Marco Rubio, facing high school students Wednesday night who survived the Parkland, Florida, shooting, defended his stance on gun rights -- while changing the conversation surrounding the issue.

Appearing at a CNN town hall in Florida, Rubio repeatedly made news on the issue of who should have access to firearms by sharing his beliefs on what would have support in the Senate, as well as taking sharp criticism from the audience, which included family members of those killed in the shooting.

While its exact long term consequences may not be known, here's what Rubio said and did that will make waves in America's roiling gun debate in the days to come:

### **1. He says he supports raising the age to buy rifles**

"I absolutely believe that in this country if you are 18 years of age, you should not be able to buy a rifle, and I will support a law that takes that right away," Rubio, a conservative, said at the CNN town hall.

He later added, "I think that's the right thing to do."

Currently, US law allows someone who is 18 and older to be able to purchase a rifle or shotgun.

He also said he believes there's possibly enough votes in the Senate to change the legal age to purchase a rifle from 18 to 21. Sen. Jeff Flake of Arizona, also a Republican, said Wednesday [he'd back such a proposal](#).

### **2. He says he's open to reconsidering the size of gun magazines**

"I have traditionally not supported looking at magazine clip size and after this and some of the details I have learned about it, I am reconsidering that position and I'll tell you why," he said. "Because while it may not prevent an attack, it may save lives in an attack. ... I know there are, for example, handguns that have 17. So we'll have to get into that debate, but that is something I believe that we can reach a compromise (on) in this country, and that I'm willing to reconsider."

Changing the rules around high-capacity magazines is a big deal because it's not among the top proposals congressional leaders have been highlighting when discussing gun violence.

He was responding to a question about whether lawmakers should address the creation of large capacity magazines that are capable of firing 15-30 rounds of bullets or more.

Just because Rubio is talking about it doesn't mean it will happen, but it's a significant door that just cracked open a teeny bit. His comments were already getting attention from some of his colleagues.

"Sen. @marcorubio, thank you for reconsidering your position on large capacity magazines at the CNN Town Hall - I've got a bill waiting for you to co-sponsor," Sen. Bob Menendez, a New Jersey Democrat, tweeted, with a link to similar legislation

### **3. He disagreed with President Donald Trump's proposal to arm teachers**

"I don't support that. ... The notion that my kids are going to school with teachers that are armed with a weapon is not something that, quite frankly, I'm comfortable with," Rubio said.

Rubio's comments are significant in that he's breaking with the President, who is also a Republican.

His comments were in response to Trump, earlier Wednesday, floating the idea of arming teachers and school staff after listening at the White House to a series of emotional stories and pleas to enhance school safety.

### **4. He highlighted a proposal on law enforcement gun restraining orders**

"I've already announced ... a concept called a gun violence restraining order that allows authorities -- and it has to be someone in your immediate family, it has to be somebody you live with, it has to be a parent, it has to be an administrator -- can go to authorities and allow someone to not just be prevented from purchasing any firearm and allow those to be taken from them -- and the person will have due process," he said. "I support that and I hope they will pass that."

This law, which is already in place in California and Oregon, allows people to petition a court to remove a person's access to guns.

### **5. He was sharply grilled over NRA contributions and responded with 'People buy into my agenda'**

"The positions I hold on these issues of the Second Amendment, I've held since the day I entered office in the city of West Miami as an elected official," Rubio said. "People buy into my agenda, and I do support the Second Amendment." This was his response when asked by Cameron Kasky, a junior who survived the Parkland school shooting, whether he would stop accepting money from the National Rifle Association.

Rubio, who faced boos from the crowd, also said he would support laws that would keep guns out of the hands of a "deranged killer."

## 6. He showed up

Lastly, Rubio showed up for the CNN town hall knowing there would be a heated debate on guns and he'd likely get booed often. He answered questions directed to him and defended his stances on the gun debate, and many of the event's participants, even those who seemed frustrated with his answers, thanked him for being there. Both Trump and Florida Gov. Rick Scott, a Republican, turned down CNN's invitations to participate. Trump held a listening session at the White House on Wednesday with high school students and teachers who have been affected by school shootings.

## Wall Street Journal

<https://www.wsj.com/articles/parkland-students-protest-in-tallahassee-raising-political-pressure-for-tougher-gun-laws-1519252255>

### **Parkland Students protest in Tallahassee, raising political pressure for tougher gun laws**

By: Arian Campo-Flores and Michelle Hackman, 2/21/18

High-school students who survived Florida's deadly school shooting last week descended on the state capital Wednesday to plead for stricter gun-control measures, raising pressure on lawmakers in the normally firearm-friendly state to pass legislation.

At a boisterous rally with hundreds of demonstrators outside the State Capitol, students took the microphone to decry elected officials' inaction in the face of bloodshed.

"Ninety-percent of my fellow Americans support background checks, yet you lawmakers have failed to act," said Florence Yared, a 17-year-old student at Marjory Stoneman Douglas High School in Parkland, Fla., where a gunman killed 17 people last Wednesday. "Some of you said it was too soon to talk about gun control. No, it is not too soon."

The eruption of student activism, including other rallies and walkouts across the state, has brought a new energy to the gun-rights debate in Florida and nationally, prodding GOP politicians who usually are staunch defenders of Second Amendment rights to consider legislative changes.

Yet political analysts question whether the passionate response will coalesce into a movement that can exert enduring pressure on officials.

"After past shootings, a lot of people speculated that Congress would act," said Whit Ayres, a Republican pollster in Washington. "That has yet to happen."

In Tallahassee, state elected officials have expressed openness to new gun restrictions, moderated their rhetoric and called for the tabling of a bill that would expand gun access. But the path to tighter gun rules has already faced obstacles. The Florida House voted Tuesday against debating a measure to ban outright semiautomatic weapons—something student activists are pushing.

Since 1998, there have been more than a dozen shootings at kindergarten, elementary, middle and high schools that resulted in multiple deaths. These are some of the victims.

Among the GOP lawmakers who voted against debating the House bill was Rep. Chris Latvala. He said in an interview that he opposes barring guns for law-abiding citizens but supports other measures to curb gun access, such as banning bump stocks, devices that enable semiautomatic firearms to mimic fully automatic weapons. Mr. Latvala holds a “D” rating from the National Rifle Association, the lowest in his caucus—“and that’s something I’m proud of,” he said.

In the aftermath of the shooting, President Donald Trump and members of his administration have demonstrated an openness to new gun restrictions. Mr. Trump, in a directive Tuesday, asked the Justice Department to draft a federal regulation effectively banning bump stocks. While that accessory wasn’t used in last week’s Florida shooting, it was used in the Las Vegas gun massacre in October that stands as the deadliest in U.S. history.

Mr. Trump held a meeting Wednesday with parents of victims and survivors of the Parkland shooting to host a discussion about how to prevent another school shooting.

Andrew Pollack, whose daughter Meadow was killed at the school, said the country needs to improve school safety. “How many schools, how many children need to get shot? I am not going to sleep until it is fixed,” he said. Ideas discussed ranged from arming teachers, to better funding mental health service, to tightening gun laws, to requiring regular lockdown drills.

“Let’s never let this happen again,” said Samuel Zeif, a Parkland student who was in the building where the gunman opened fire. “Please, please, please.”

States also are looking at the issue anew. In North Carolina, a new legislative committee is studying whether to arm teachers in the aftermath of the Florida shooting. At least 10 other states, including Florida, are weighing similar measures, according to the National Conference of State Legislatures.

In Florida, Republican Gov. Rick Scott, who received an A+ rating from the NRA and is a potential 2018 candidate for U.S. Senate, said on Tuesday that “everything for me is on the table” in weighing policy responses to the school shooting. His office has said he plans to unveil a package of proposals later this week.

Some candidates vying to replace Mr. Scott, who is barred from running for a third term, have expressed support for more gun control.

Former Miami Beach Mayor Philip Levine, a Democratic gubernatorial candidate, launched a television ad calling for a ban on AR-15-style rifles like the one used by the Florida gunman. On the GOP side, Florida Agriculture Commissioner Adam Putnam asked state lawmakers to delay a vote on a measure that would allow his agency to issue concealed-weapon licenses without a full background check.

A political committee founded by Gabrielle Giffords, the former Arizona congresswoman who was shot in 2011, is running a TV ad attacking Mr. Scott for signing into law a measure that year that prevents doctors from discussing gun possession with patients.

With little more than two weeks left in the Florida legislative session, lawmakers are responding to pressure to pass new gun restrictions. Republican Sen. Bill Galvano is putting together a package that could include increasing the minimum age to purchase AR-15-style rifles to 21 from 18, and adding a three-day waiting period to buy them.

In a televised town hall on CNN Wednesday night, sen. Marco Rubio (R., Fla.), who has publicly wavered over the past week on the question of backing tighter gun restrictions, came out in favor of the proposal to raise the minimum purchasing age. “If you are 18 years of age, you should not be able to buy a rifle,” he said.

Students from Marjory Stoneman Douglas spent hours Wednesday meeting with lawmakers and state officials in Tallahassee, the state capital. Many emerged angry and disheartened, but fired up.

"I've maybe only spoken to three representatives, two of which already agreed with me," said Ryan Deitsch, an 18-year-old student, at a press conference organized by Democratic Sen. Lauren Book.

"I want to see those people who shot down that bill," Mr. Deitsch said, referring to the semiautomatic-rifle ban. "I just want to see your face and know why."

Alfonso Calderon, a 16-year-old student, said elected officials should heed their call, or face a potential backlash. "What we need is action, and we need it now," he said. "People are losing their lives, and it is still not being taken seriously."

## Washington Post

[https://www.washingtonpost.com/opinions/billy-graham-was-no-prophet-thats-why-america-loved-him/2018/02/21/398ce31a-1722-11e8-92c9-376b4fe57ff7\\_story.html?utm\\_term=.98e0ce81adf8](https://www.washingtonpost.com/opinions/billy-graham-was-no-prophet-thats-why-america-loved-him/2018/02/21/398ce31a-1722-11e8-92c9-376b4fe57ff7_story.html?utm_term=.98e0ce81adf8)

### Billy Graham was no prophet

By: George Will, 2/21/18

Asked in 1972 if he believed in miracles, Billy Graham answered: Yes, Jesus performed some, and there are many "miracles around us today, including television and airplanes." Graham was no theologian.

Neither was he a prophet. Jesus said "a prophet hath no honor in his own country." Prophets take adversarial stances toward their times, as did the 20th century's two greatest religious leaders, the Rev. Martin Luther King Jr. and Pope John Paul II. Graham did not. Partly for that reason, his country showered him with honors.

So, the subtitle of Grant Wacker's 2014 book, "[America's Pastor: Billy Graham and the Shaping of a Nation](#)," is inapposite. When America acquired television and a celebrity culture, this culture shaped Graham. Wacker, of Duke University's Divinity School, judges Graham sympathetically as a man of impeccable personal and business probity.

Americans respect quantification, and Graham was a marvel of quantities. He spoke, Wacker says, to more people directly — about 215 million — than any person in history. In 1945, at age 26, he addressed 65,000 at Chicago's Soldier Field. The [1949 crusade in Los Angeles](#), promoted by the not notably devout William Randolph Hearst, had a cumulative attendance of 350,000. In 1957, a May-to-September rally in New York had [attendance of 2.4 million](#), including [100,000 on one night at Yankee Stadium](#). A five-day meeting in Seoul in 1973 [drew 3 million](#).

Graham's effects are impossible to quantify. His audiences were exhorted to make a "decision" for Christ, but a moment of volition might be (in theologian Dietrich Bonhoeffer's phrase) an exercise in "[cheap grace](#)." Graham's preaching, to large rallies and broadcast audiences, gave comfort to many people and probably improved some.

Regarding race, this North Carolinian was brave, [telling a Mississippi audience in 1952](#) that, in Wacker's words, "there was no room for segregation at the foot of the cross." In 1953, he personally removed the segregating ropes at a Chattanooga, Tenn., crusade. After the Supreme Court's [1954 school desegregation ruling](#), Graham abandoned the practice of respecting local racial practices. Otherwise, he rarely stepped far in advance of the majority. His 1970 Ladies' Home Journal article "Jesus and the Liberated Woman" was, Wacker says, "a masterpiece of equivocation."

The first minister with [a star on Hollywood's Walk of Fame](#) for his preaching was an entrepreneurial evangelical Christian who consciously emulated masters of secular communication such as newscasters Drew Pearson, Walter Winchell and H.V. Kaltenborn. Wielding the adverbs "nearly" and "only," Graham, says Wacker, would warn that all is nearly lost and the only hope is Christ's forgiveness.

Graham frequently vowed to abstain from partisan politics and almost as frequently slipped this self-imposed leash, almost always on behalf of Republicans. Before the 1960 election, [Graham](#), displaying some cognitive dissonance, said that if John F. Kennedy were a true Catholic, he would be a president more loyal to the pope than to the Constitution but that he would fully support him if elected.

Graham's dealings with presidents mixed vanity and naivete. In 1952, he said he wanted to meet with all the candidates "to give them the moral side of the thing." He was 33. He applied flattery with a trowel, comparing Dwight Eisenhower's first foreign policy speech to the Sermon on the Mount and calling Richard Nixon "the most able and the best trained man for the job probably in American history." He told Nixon that God had given him, Nixon, "supernatural wisdom." Graham should have heeded the psalmist's warning about putting one's faith in princes.

On Feb. 1, 1972, unaware of Nixon's Oval Office taping system, when Nixon ranted about how Jews "totally dominated" the media, Graham said, "This stranglehold has got to be broken or this country is going down the drain." He also told Nixon that Jews are the ones "putting out the pornographic stuff." One can reasonably acquit Graham of anti-Semitism only by convicting him of toadying. When Graham read transcripts of Nixon conspiring to cover up crimes, Graham said that what "shook me most" was Nixon's vulgar language.

Of the My Lai massacre of Vietnamese civilians by U.S. troops, Graham said, "we have all had our My Lais in one way or another, perhaps not with guns, but we have hurt others with a thoughtless word, an arrogant act or a selfish deed." Speaking in the Washington National Cathedral three days after 9/11, he said "it's so glorious and so wonderful" that the victims were in heaven and would not want to return.

Graham, Wacker concludes, had an attractively sunny personality and was "invincibly extrospective." This precluded "irony" but also "contemplativeness."

## News OK

<http://newsok.com/district-attorney-on-oklahoma-criminal-justice-progress-is-possible/article/5584129>

### **District Attorney: On Oklahoma criminal justice, progress is possible**

By: Kevin Buchanan, 2/21/18

Good public policy is not always easy. Reasonable people can disagree on how to achieve a desired result. It takes open communication, dialogue and compromise. When issues become politicized and positions become talking points, good public policy become even more difficult to achieve.

In the area of criminal justice reforms, however, we are seeing positive movement led by Oklahoma's district attorneys, legislators, business leaders and the governor's office. Late last year, the district attorneys approached advocates of criminal justice reform with proposals on how to compromise on a number of pieces of legislation in ways that can continue to protect public safety while continuing to move our focus toward rehabilitation and the subsequent long-term improvement of the safety of Oklahoma families.

The proposal from the district attorneys urges more funding for substance abuse and mental health treatment, drug courts and diversion programs in an effort to change the trajectory of an offender's life path. We also believe it is time to change the structure of our criminal provisions to a new classification system that groups crimes by their threat to the public. Doing so would allow for an individual's criminal history to be considered and addressed in a more uniform way and a "criminal schedule system" would ensure a common understanding of the seriousness and risk of the crime to the public. As part of the restructuring process, crime penalties can be reviewed and adjusted accordingly. Under this structure, "low-level nonviolent offenses" could be identified and grouped together in one classification schedule as could more "serious crimes."

With this backdrop, the district attorneys have proposed amendments to legislation stuck in committee in hopes of moving them forward. For example, we can all agree the public safety risk for the crime of "knowingly concealing a stolen firearm" does not vary based on the value of the weapon. This and other common-sense modifications are what the DAs are seeking in an effort to ensure criminal justice reforms happen without jeopardizing public safety.

We also believe it is time to work with the Department of Corrections, the Pardon and Parole Board and the court system to address ways to better transition truly low-level, nonviolent offenders into society. This could include

potentially reviewing these cases. Although this will take an investment in parole supervision, the savings in fewer inmates in beds should help our fiscal situation without jeopardizing public safety — our top concern.

As district attorneys, we have been very pleased with the willingness of the criminal justice reform advocates to listen and discuss ways we can work together, and we look forward to a successful legislative session.

Buchanan, district attorney for Washington and Nowata counties, is president of the Oklahoma District Attorneys Council.

## Trump Tweets



**Donald J. Trump** ♦ @realDonaldTrump · 48m

I will be strongly pushing Comprehensive Background Checks with an emphasis on Mental Health. Raise age to 21 and end sale of Bump Stocks! Congress is in a mood to finally do something on this issue - I hope!

8.9K 6.7K 28K



**Donald J. Trump** ♦ @realDonaldTrump · 56m

...If a potential "sicko shooter" knows that a school has a large number of very weapons talented teachers (and others) who will be instantly shooting, the sicko will NEVER attack that school. Cowards won't go there...problem solved. Must be offensive, defense alone won't work!

14K 7.3K 28K



**Donald J. Trump** ♦ @realDonaldTrump · 1h

....History shows that a school shooting lasts, on average, 3 minutes. It takes police & first responders approximately 5 to 8 minutes to get to site of crime. Highly trained, gun adept, teachers/coaches would solve the problem instantly, before police arrive. GREAT DETERRENT!

11K 8.5K 32K



**Donald J. Trump** ♦ @realDonaldTrump · 1h

...immediately fire back if a savage sicko came to a school with bad intentions. Highly trained teachers would also serve as a deterrent to the cowards that do this. Far more assets at much less cost than guards. A "gun free" school is a magnet for bad people. ATTACKS WOULD END!

12K 7.7K 30K



**Donald J. Trump** ♦ @realDonaldTrump · 2h

I never said "give teachers guns" like was stated on Fake News @CNN & @NBC. What I said was to look at the possibility of giving "concealed guns to gun adept teachers with military or special training experience - only the best. 20% of teachers, a lot, would now be able to

13K 8.8K 32K



## Message

**From:** Bennett, Tate [Bennett.Tate@epa.gov]  
**Sent:** 3/12/2018 9:57:06 AM  
**To:** Harlow, David [harlow.david@epa.gov]  
**CC:** Bowman, Liz [Bowman.Liz@epa.gov]  
**Subject:** Fwd: Morning Energy, presented by Chevron: Zinke and Perry's very busy week — White House tries again on biofuels — EPA says Pruitt's grantee ban beyond court's reach

**PREDECESSORS PRESS PRUITT TO REVERSE TRUCK RULE REPEAL:** A bipartisan pair of former EPA administrators wrote a letter to Pruitt urging him to reverse course on plans to repeal part of the Obama-era heavy-duty truck emissions rule. EPA is targeting the glider kit provision, in which EPA for the first time set emissions limits for gliders, refurbished engines placed in new truck cabs. Carol Browner, who ran EPA under Bill Clinton, and Christine Todd Whitman, George W. Bush's first EPA chief, wrote Friday to Pruitt that he should not rely on a controversial Tennessee Tech study on glider emissions, saying it "does not meet the high ethical standards for scientific analysis required by the Clean Air Act."

**Critics raised questions about the study's methodology and conclusions**, and the university subsequently warned EPA not to rely on it in its rulemaking. "In light of the serious questions raised about the study, we urge you withdraw the glider proposal," Browner and Whitman write. "EPA would be basing a rulemaking — which could have such profound negative health impacts on the American people — on a flawed analysis. We urge you to withdraw the glider proposal." EPA said last month that the proposed withdrawal mentioned the Tennessee Tech study, but that the reasoning was based solely on a legal interpretation that the Clean Air Act does not allow EPA to regulate gliders as new vehicles.

Begin forwarded message:

**From:** "POLITICO Pro Energy" <politicoemail@politicopro.com>  
**Date:** March 12, 2018 at 5:48:11 AM EDT  
**To:** <bennett.tate@epa.gov>  
**Subject:** Morning Energy, presented by Chevron: Zinke and Perry's very busy week — White House tries again on biofuels — EPA says Pruitt's grantee ban beyond court's reach  
**Reply-To:** "POLITICO subscriptions" <reply-fe8a13737c65067b7c-630326\_HTML-791699120-1376319-0@politicoemail.com>

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Message

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**From:** VanLare, Paula [VanLare.Paula@epa.gov]  
**Sent:** 11/7/2017 4:17:48 PM  
**To:** Nickerson, William [Nickerson.William@epa.gov]  
**Subject:** Update on glider kit NPRM

# Ex. 5 - Deliberative Process

I hope this is useful. Let me know if you have any questions.

Paula Van Lare  
US EPA Office of Policy  
(202) 566-2951